

Introduced by Senator Poochigian

February 19, 1999

An act to amend Sections 5, 7, and 26 of the Fresno Metropolitan Flood Control Act (Chapter 503 of the Statutes of 1955), relating to the Fresno Metropolitan Flood Control District.

LEGISLATIVE COUNSEL'S DIGEST

SB 561, as introduced, Poochigian. Fresno Metropolitan Flood Control District.

(1) The Fresno Metropolitan Flood Control District Act creates the Fresno Metropolitan Flood Control District and provides that the purposes of the act include the conservation of prescribed waters for beneficial purposes by spreading, storing, retaining, or causing those waters to percolate into the soil within or outside the boundaries of the district or the saving and conserving of those waters.

This bill would, instead, provide that the purposes of the act include the conservation of those waters for beneficial purposes by spreading, storing, retaining, or causing those waters to percolate into the soil within the boundaries of the district, or saving and conserving those waters.

(2) The act requires the power of eminent domain vested in the board of directors of the district to be exercised pursuant to a specified body of law.

This bill would limit the exercise of that power by the district to within the boundaries of the district for the purposes of carrying out the act and would correct a statutory reference set forth in that provision.

(3) The act requires the board of the district to consist of 7 members who are appointed by specified entities.

This bill would make a technical, nonsubstantive change in that provision.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5 of the Fresno Metropolitan
2 Flood Control Act (Chapter 503 of the Statutes of 1955)
3 is amended to read:

4 Sec. 5. The governing board of the district shall
5 consist of a board of directors of seven members. The
6 legislative body of the City of Fresno shall appoint four
7 members to the board, none of whom shall be public
8 officials of the city. The Board of Supervisors of the
9 County of Fresno shall appoint two members to the
10 board, none of whom shall be public officials of the
11 county. The legislative body of the City of Clovis shall
12 appoint one member to the board, who shall not be a
13 public official of the City of Clovis. The appointing body
14 may remove any member of the board appointed by it at
15 any time by a majority vote of the whole number of
16 members of ~~such~~ that body. All members of the board of
17 directors shall reside within the district. The County
18 Assessor, County Tax Collector, County Auditor and
19 County Treasurer of the County of Fresno, and their
20 successors in office, shall be ex officio officers of the
21 district, and their assistants, deputies, clerks, and
22 employees shall be ex officio assistants, deputies, clerks,
23 and employees, respectively, of the district, and those ex
24 officio officers shall respectively perform, unless
25 otherwise provided by the board of directors, without
26 additional compensation, the same various duties for the
27 district as for the County of Fresno, in order to carry out
28 the provisions of this act. The secretary of the board of
29 directors shall be appointed by the board. The board may
30 also appoint ~~such~~ attorneys, engineers, and other
31 employees, as it may see fit appropriate.

1 SEC. 2. Section 7 of the Fresno Metropolitan Flood
2 Control Act (Chapter 503 of the Statutes of 1955) is
3 amended to read:

4 Sec. 7. (a) The objects and purposes of this act and of
5 the district shall be to provide for ~~(1) the all of the~~
6 *following*:

7 (1) *The control of flood, storm, and other waste waters*
8 *of or within the district, including waters which that arise*
9 *outside the district and which that flow or drain into or*
10 *through the district;* ~~(2) the.~~

11 (2) *The protection from damage by flood, storm*
12 *storm, or waste waters of private property and of public*
13 *highways and other public property within the district;*
14 *and* ~~(3) the.~~

15 (3) *The conservation of flood, storm, waste, and other*
16 *surface waters for beneficial and useful purposes by*
17 *spreading, storing, retaining, or causing those waters, or*
18 *any part thereof, to percolate into the soil within—*~~or~~
19 *without* ~~the district or the saving and conservation in any~~
20 *manner of any or all of those waters.*

21 (b) The land within the district, and each drainage
22 area and zone thereof, shall be conclusively presumed to
23 benefit from the continued operation and maintenance
24 of the district (1) in relation to the value of the land and
25 the improvements thereon or (2), in the alternative, in
26 relation to the use to which the land may be put and the
27 services and benefits provided, and shall be subject to
28 assessment as provided by this act. Nothing in this
29 subdivision shall abrogate the findings required by
30 Section 31 and 38 of this act.

31 SEC. 3. Section 26 of the Fresno Metropolitan Flood
32 Control Act (Chapter 503 of the Statutes of 1955) is
33 amended to read:

34 Sec. 26. The power of eminent domain vested in the
35 board of directors of the district shall be exercised
36 pursuant to the ~~California~~ Eminent Domain Law
37 ~~(commencing with Section 1230.010ff~~ *(Title 7*
38 *(commencing with Section 1230.010) of Part 3 of the*

- 1 Code of Civil Procedure) *within the boundaries of the*
- 2 *district for the purposes of carrying out this act.*

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